

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:12CR305
)
vs.) ORDER
)
JONATHAN T. BROWN,)
)
Defendant.)

This matter is before the court on the motion to continue by defendant Jonathan T. Brown (Brown) (Filing No. 16). Brown seeks a continuance of the trial of this matter which is scheduled for December 4, 2012. Brown's counsel has represented to the court that Brown will submit an affidavit wherein Brown represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Brown's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Brown's motion to continue trial (Filing No. 16) is granted.
2. Trial of this matter is re-scheduled for **February 26, 2013**, before Judge John M. Gerrard and a jury in Courtroom No. 1, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 26, 2012, and February 26, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 26th day of November, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge